

II. REMARKS

A. Introduction

Applicant submits this Response in a bona fide attempt to (i) advance the prosecution of this case, (ii) answer each and every ground of objection and rejection as set forth by the Examiner, (iii) place the claims in a condition for allowance, and (iv) place the case in better condition for consideration on appeal. Applicant respectfully requests reexamination and reconsideration of the above referenced patent application in view of this Response.

As indicated above, Claims 7 and 10 have been amended. Claims 4 and 11 have also been canceled.

Applicant respectfully submits that the noted amendments merely make explicit that which was (and is) disclosed or implicit in the original disclosure. The amendments thus add nothing that would not be reasonably apparent to a person of ordinary skill in the art to which the invention pertains.

B. Response to Rejections

The Examiner has rejected Claims 1-12 under 35 U.S.C. § 103(a) “as being unpatentable over Brady et al (US 6,100,804)”. The Examiner contends, *inter alia*:

Regarding Claim 1: Brady et al discloses a first substrate having first and second surfaces, a passive loop disposed on the substrate and adapted to receive and transmit the RFID signal; and a RFID tag member including a second substrate having first and second surfaces and a RFID tag disposed on the second surface; second substrate second surface being removably secured to the first substrate surfaces proximate the passive pool, the tag having a first operating frequency (col. 6, lines 50-61; col.7, lines 15-64).

The Examiner does however recognize that “Brady et al does not disclose the tag being magnetically coupled to the passive loop.” However, the Examiner contends that “it is merely a matter of design choice for attaching and affixing the tag to a substrate surface”.

It is well established that in determining what is and what is not obvious under § 103, all properties and advantages not in the prior art must be considered. See *In re Wright*, 848 F.2d 1216, 6 U.S.P.Q. 2d 1959, 1962 (Fed. Cir. 1988) (“Factors including unexpected results, new features, solution of a different problem, novel properties, are all considerations in the determination of obviousness in terms of 35 U.S.C. § 103”). Indeed, it is the invention as a whole, *including distinct functions* that must be considered in obviousness determinations.

Applicant respectfully submits that Claims 1-12 define an invention that is unobvious over Brady et al. Applicant's invention is directed to a unique RFID system having a passive RFID loop antenna disposed within the influences of a secondary passive loop antenna. The system further includes an RFID tag with a smaller coil antenna that is energized by inducting coupling energy from the magnetic field of the secondary loop, which results in greater current in the primary coil of the RFID circuit and, hence, a greater read range.

Contrary to the Examiner's contention, the noted magnetic coupling is *not* "merely a matter of design choice for attaching and affixing the tag to a substrate surface." Nor would either the claimed orientation (or placement) of the tag and loops or the advantages realized thereby be obvious to one having ordinary skill in the art.

By virtue of the unique orientation of the tag and loops, the claimed RFID system can be effectively employed in, for example, (i) product packaging (cartons) of various sizes containing embedded passive loops utilizing low cost standardized RFID tags, (ii) large shipping envelopes with low cost passive loops used with low cost smaller RFID label tags, and (iii) wrap around labels adapted to fold over corners of boxes to provide multi-directional read capabilities.

In contrast, Brady, et al. is directed to RFID label/antenna "manufacturing processes" on reel-to-reel production equipment, wherein the typically employed process of orienting the RFID antenna laterally on the roll-form substrate imposes a length limitation of the antenna as a factor of the width of the laminate substrate. To address the length limitation(s), Brady, et al. teaches orienting the antenna longitudinally along the roll, which allows for antennas of greater lengths. This also allows for the antenna to be die cut to shorter lengths for the purposes of tuning the antennas for optimum performance.

Although the term "coupled" is employed in Brady, et al., the term is employed to convey the concept of affixing the RFID IC to the antenna. Brady, et al. is thus describing a "physical electrical connection". In contrast, Applicant is employing the term to describe inductively coupled energy from one coil circuit to another.

Applicant accordingly submits that the claimed RFID system is not taught or suggested by Brady et al. Applicant thus respectfully requests that the Examiner withdraw the rejection of pending Claims 1-3, 5-7, 9-10 and 12 under § 103.

III. CONCLUSION

Applicant having answered each and every ground of rejection as set forth by the Examiner, and having added no new matter, believes that this response clearly overcomes the references of record, and now submits that all claims in the above-referenced patent application are in condition for allowance and the same is respectfully solicited.

If the Examiner has any further questions or comments, Applicant invites the Examiner to contact his Attorneys of record at the telephone number below to expedite prosecution of the application.

Respectfully submitted,
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